IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1513 OF 2005

M/s. Manubhai Mangaldas Securities Private Limited & 3 Ors. ...Applicants

Versus

The State of Maharashtra & Anr ...Respondents

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Mr.Sanjay Raikar i/b A.H.H. Ponda Advocate for Applicants.

Mr. Niwas Kamble i/b Mr. A.M. Sarogi, Adv. for respondent No.2.

Mr. Rajesh More, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 21ST JUNE, 2005

P. C.:-

1. Heard the learned advocate for the applicants i.e. original accused, the learned advocate for respondent No.2 i.e. original complainant and the learned A.P.P. for the State.

2. The applicants have prayed for quashing of process issued against them in Criminal Case No. 1030 of 2004 which is pending in the Court of learned J.M.F.C. III Court at Kalyan. In the said case, process has been issued against the applicants under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 8th June, 2005 passed in Criminal Application No.645 of 2005 and order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. In order to enable the applicants to prefer necessary revision before the concerned Sessions Court, the proceedings before the trial Court are stayed for a period of four weeks from today.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Criminal application is disposed of.

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